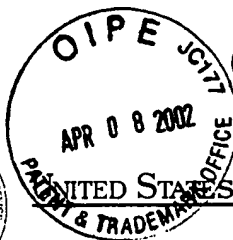


#3



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/053,240	10/26/2001	Louise E. Mosher	MOS5082.02A

CONFIRMATION NO. 6071

FORMALITIES LETTER



OC000000007495432

John P. O'Banion
O'BANION & RITCHEYLLP
Suite 1550
400 Capitol Mall
Sacramento, CA 95814

Date Mailed: 02/19/2002

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.
Applicant must submit \$ 370 to complete the basic filing fee for a small entity.
- Total additional claim fee(s) for this application is \$945.
 - \$819 for 91 total claims over 20.
 - \$126 for 3 independent claims over 3 .
- The oath or declaration is missing.
A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(l) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 1380.

*A copy of this notice **MUST** be returned with the reply.*

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

04/11/2002 YPOLITE1 00000036 10053240
01 FC:201 370.00 OP
02 FC:202 126.00 OP
03 FC:203 819.00 OP
04 FC:205 65.00 OP



04-10-02

SM

MP
#3

PATENT

Docket No.: MOS5082.02A

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: LOUISE E. MOSER; PETER M. MELLIAR-SMITH
Serial No.: 10/053,240
Filed: OCTOBER 26, 2001
For: FAULT TOLERANCE FOR COMPUTER PROGRAMS THAT OPERATE OVER A
COMMUNICATION NETWORK

Group:
Examiner:

BOX MISSING PARTS
Assistant Commissioner for Patents
Washington, D.C. 20231

SUBMISSION OF MISSING PARTS OF APPLICATION
UNDER 37 C.F.R. § 1.53

Dear Sir:

In response to the Notice to File Missing Parts of Application (PTO-1533) mailed February 19, 2002, a copy of which is enclosed, please find the following documents which are incorporated by reference herein:

1. Combined Declaration and Power of Attorney;
2. Power of Attorney by Assignee and Exclusion of Inventor(s) Under 37 C.F.R. 3.71;
3. Assignee Certification Under 37 C.F.R. 3.73(b);
4. Check in the amount of \$1,380 (\$1,315 filing fees and \$65 surcharge for the fees due as a small entity);
5. Assignment Cover Letter;
6. Assignment;
7. Check in the amount of \$80 (assignment recording fee).

The amount due for the filing fees and surcharge has been computed as follows:

CLAIMS AS FILED										
Number filed			Number Extra			Rate		Basic Fee		
								\$ 740.00		
Total										
Claims 37 CFR 1.16(c)			111	- 20	=	91	X	\$18.00	=	1,638.00
Independent										
Claims (37 CFR 1.16(b))			6	- 3	=	3	X	\$84.00	=	252.00
Multiple dependent claim(s), if any (37 CFR 1.16(d))							+	\$280.00	=	

Filing Fee Calculation \$ 2,630.00

Surcharge \$ 130.00

TOTAL FILING FEE \$ 2,760.00

Small Entity Statement(s)

X Applicant qualifies as a small entity under 37 CFR 1.9 and 1.27.

Filing Fee Calculation (50% of above) \$ 1,380.00

Amount already paid LESS (\$)

TOTAL FILING FEES DUE \$ 1,380.00

X Assignment recording fee \$ 80.00

— Petition fee \$ 0

TOTAL FEES DUE \$ 1,460.00

Please charge any additional fees due to deposit account no. 07-1137.

Having now complied with all of the requirements of 37 C.F.R. 1.53, the Applicants respectfully request that this application be placed upon the files for examination.

Dated: April 8, 2002.

Respectfully submitted,


John P. O'Banion, Reg. No. 33,201
O'BANION & RITCHEY LLP
400 Capitol Mall, Suite 1550
Sacramento, CA 95814
(916) 498-1010

CERTIFICATE OF MAILING BY "EXPRESS MAIL" (37 CFR 1.10)Applicant(s): **LOUISE E. MOSER; PETER M. MELLIAR-SMITH**

Docket No.

MOS5082.02A

Serial No.

10/053,240

Filing Date

OCTOBER 26, 2001

Examiner

Group Art Unit

2184Invention: **FAULT TOLERANCE FOR COMPUTER PROGRAMS THAT OPERATE OVER A
COMMUNICATION NETWORK****APR 08 2002**

I hereby certify that the following correspondence:

Submittal of Missing Parts (Page 1 & 2)*(Identify type of correspondence)*

is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under
37 CFR 1.10 in an envelope addressed to: The Assistant Commissioner for Patents, Washington, D.C. 20231 on

April 8, 2002*(Date)***JERRY V. KING***(Typed or Printed Name of Person Mailing Correspondence)**(Signature of Person Mailing Correspondence)***EL694788356US***("Express Mail" Mailing Label Number)***Note: Each paper must have its own certificate of mailing.**

CERTIFICATE OF MAILING BY "EXPRESS MAIL" (37 CFR 1.10)Applicant(s): **LOUISE E. MOSER; PETER M. MELLIAR-SMITH**

Docket No.

MOS5082.02A

Serial No.

10/053,240

Filing Date

OCTOBER 26, 2001

Examiner

Group Art Unit

2184**FAULT TOLERANCE FOR COMPUTER PROGRAMS THAT OPERATE OVER A****COMMUNICATION NETWORK**

I hereby certify that the following correspondence:

Notice to File Missing Parts of Nonprovisional Application (Page 1)*(Identify type of correspondence)*

is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 in an envelope addressed to: The Assistant Commissioner for Patents, Washington, D.C. 20231 on

April 8, 2002*(Date)***JERRY V. KING***(Typed or Printed Name of Person Mailing Correspondence)*
*(Signature of Person Mailing Correspondence)***EL694788356US***("Express Mail" Mailing Label Number)***Note: Each paper must have its own certificate of mailing.**

CERTIFICATE OF MAILING BY "EXPRESS MAIL" (37 CFR 1.10)

Applicant(s): LOUISE E. MOSER; PETER M. MELLIAR-SMITH

Docket No.

MOS5082.02A

Serial No.

10/053,240

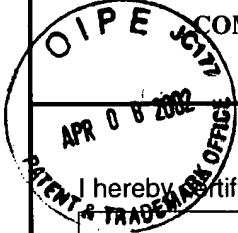
Filing Date

OCTOBER 26, 2001

Examiner

Group Art Unit

2184

Invention: **FAULT TOLERANCE FOR COMPUTER PROGRAMS THAT OPERATE OVER A
COMMUNICATION NETWORK**

I hereby certify that the following correspondence:

Assignee Certification (Page 1)

(Identify type of correspondence)

is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under
37 CFR 1.10 in an envelope addressed to: The Assistant Commissioner for Patents, Washington, D.C. 20231 on

April 8, 2002

(Date)

JERRY V. KING

(Typed or Printed Name of Person Mailing Correspondence)


(Signature of Person Mailing Correspondence)EL694788356US

("Express Mail" Mailing Label Number)

Note: Each paper must have its own certificate of mailing.

CERTIFICATE OF MAILING BY "EXPRESS MAIL" (37 CFR 1.10)

Applicant(s): LOUISE E. MOSER; PETER M. MELLIAR-SMITH

Docket No.

MOS5082.02A

Serial No.

10/053,240

Filing Date

OCTOBER 26, 2001

Examiner

Group Art Unit

2184

FAULT TOLERANCE FOR COMPUTER PROGRAMS THAT OPERATE OVER A**COMMUNICATION NETWORK**

I hereby certify that the following correspondence:

Power of Attorney by Assignee and Exclusion of Inventors (Page 1)*(Identify type of correspondence)*

is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 in an envelope addressed to: The Assistant Commissioner for Patents, Washington, D.C. 20231 on

April 8, 2002*(Date)***JERRY V. KING***(Typed or Printed Name of Person Mailing Correspondence)*
*(Signature of Person Mailing Correspondence)***EL694788356US***("Express Mail" Mailing Label Number)***Note: Each paper must have its own certificate of mailing.**

CERTIFICATE OF MAILING BY "EXPRESS MAIL" (37 CFR 1.10)

Applicant(s): LOUISE E. MOSER; PETER M. MELLIAR-SMITH

Docket No.

MOS5082.02A

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10/053,240

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Examiner

Group Art Unit

2184

invention: **FAULT TOLERANCE FOR COMPUTER PROGRAMS THAT OPERATE OVER A
COMMUNICATION NETWORK**

I hereby certify that the following correspondence:

Combined Declaration and Power of Attorney (Page 1 thru 5)

(Identify type of correspondence)

is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under
37 CFR 1.10 in an envelope addressed to: The Assistant Commissioner for Patents, Washington, D.C. 20231 on

April 8, 2002

(Date)

JERRY V. KING

(Typed or Printed Name of Person Mailing Correspondence)


(Signature of Person Mailing Correspondence)EL694788356US

("Express Mail" Mailing Label Number)

Note: Each paper must have its own certificate of mailing.